

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 83-2386 - 40

CHURCH OF SCIENTOLOGY OF)
CALIFORNIA,)
Plaintiff)
V.)
MICHAEL J. FLYNN,)
Defendant)

COMPLAINT

PLAINTIFF DEMANDS A
TRIAL BY JURY

Plaintiff, by its attorneys, GELLER & WEINBERG
and CCHN, GLICKSTEIN, LURIE, OSTRIN, LUBELL & LUBELL,
as and for its complaint against defendant, alleges
as follows:

JURISDICTION AND PARTIES

1. This Court has jurisdiction of the
within action under the provisions of 28 U.S.C.
§1332. The matter in controversy exceeds, exclusive
of interest and costs, the sum of Ten Thousand
(\$10,000.00) Dollars.

2. Plaintiff CHURCH OF SCIENTOLOGY OF CALI-
FORNIA, (hereinafter "CSC") is a not-for-profit
religious corporation duly organized under the laws
of California with a principal office and activities

in the County of Los Angeles, State of California.

3. Upon information and belief, defendant MICHAEL FLYNN (hereinafter "FLYNN") is a resident and citizen of the Commonwealth of Massachusetts.

4. At all times herein mentioned, plaintiff has been and still is engaged in the dissemination and advancement of the religious beliefs of Scientology, a religion founded by L. Ron Hubbard, whose writings and teachings form the basis of the religion. CSC is known in the area of Clearwater, Florida as the Church of Scientology and is also regarded as the Church organization engaged in various litigations in that area.

CAUSE OF ACTION

5. Upon information and belief, prior to November 20, 1982, FLYNN stated to a representative of the Clearwater Times that the Church of Scientology had infiltrated the offices of the Volusia County, Florida court system, interfered with the United States mail, and intercepted and stole checks he had mailed to the Court in Volusia.

6. Upon information and belief, at the time FLYNN made said statements he intended them to be published in the Clearwater Times and to be circulated in the Clearwater, Florida area and he made said statements for those specific purposes.

7. Upon information and belief, FLYNN made said statements well knowing that they would be published by the Clearwater Times and circulated in the Clearwater, Florida area.

8. Upon information and belief, at the time FLYNN made such statements it was reasonably foreseeable that said statements would be published in the Clearwater Times and circulated in the Clearwater, Florida area.

9. By reason of the aforesaid false statements made to the representative of the Clearwater Times, FLYNN caused to be published in the issue of said Clearwater Times of November 20, 1962, the statements:

Michael Flynn, Clearwater's consultant on the Church of Scientology, contended Friday that Scientologists have infiltrated the Volusia County court system and stolen two checks that he sent to appeal a court decision here.

* * *

Speaking from his Boston office, lawyer Flynn said he mailed two checks, one for \$50 and another for \$10, to Volusia, and claimed that he even has the bank records to prove it.

"Someone at that end infiltrated the courthouse and intercepted the mailed check," he said. "Someone like a Scientologist."

The filing fee is very important, Flynn said, because it assures him the right to appeal the contempt order.

"It's ridiculous to think I wouldn't pay a \$60 filing fee," the Boston lawyer continued, adding that he has several deposits at the First National Bank of Boston and plenty of money in them.

"If you check into this in depth, you'll find that something's afoot in Volusia County," Flynn went on. He has noted before that Durden and Scientology attorneys are "longtime friends."

10. By the aforesaid statements set forth in paragraphs 5 and 9 above, FLYNN conveyed and caused to be conveyed and the public understood the statements to convey the false and defamatory meaning that plaintiff, through its members, had improperly and corruptly become involved in the judicial system, had wrongfully interfered with the U.S. mails and had stolen from the U.S. Mails and the Courthouse.

11. By the aforesaid statements, plaintiff was accused of committing or causing to be committed serious crimes and of acting in a wrongful manner incompatible with the standards of a religious organization.

12. Upon information and belief, the aforesaid false and defamatory statements, referring to Scientology, Scientologists and the Church of Scientology were intended by FLYNN and understood by the public to be of and concerning the plaintiff.

13. Upon information and belief, at the time of his statements, to the Clearwater Times and at the time of their publication in the said Clearwater Times, FLYNN knew that the aforesaid statements were false insofar as they stated and/or implied that plaintiff had infiltrated the offices of the Volusia County court system, interfered with the United States mail and intercepted and stole checks he had mailed to the Court in Volusia, and he made them intentionally and recklessly for the purpose of damaging plaintiff.

14. Upon information and belief, FLYNN made the aforesaid defamatory statements to the Clearwater Times with reckless disregard as to the truth or falsity of those statements insofar as they stated and/or implied that plaintiff had infiltrated the offices of the Volusia County court system, interfered with the United States mail and intercepted and stole checks he had mailed to the Court in Volusia.

15. By reason of the aforesaid acts and omissions of FLYNN, plaintiff has sustained serious actual damages including but not limited to the following:

(a) Plaintiff's reputation has been grievously injured in the state of Florida and in other places.

(b) Plaintiff's reputation and standing in the court system in the State of Florida and among those responsible for the administration of that system has been seriously damaged.

(c) Plaintiff has incurred and will continue to incur expenses, in an amount which cannot at this time be fully determined, to correct defendant's defamatory statements contained in the said Clearwater Times' article.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of \$10,000.00 as actual damages, and in an amount in excess of \$10,000.00 as exemplary damages, together with the costs and disbursements of this action, including fair and reasonable allowances for counsel fees and other lawful expenses.

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